

Docket 79770F-P
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

David L. Patton, et al

SYSTEM FOR CUSTOMIZING
AND ORDERING
PERSONALIZED POSTAGE
STAMPS

Serial No. US 09/378,159

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Box AF
Washington, D.C. 20231

Group Art Unit: 3629

Examiner: Naresh Vig

Sir:

SUPPLEMENTAL APPEAL BRIEF PURSUANT TO 37 C.F.R. 41.37 and 35

U.S.C. 134

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APPELLANT'S BRIEF ON APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interference from the Examiner's Final Rejection of claims 1-4, 6-26, 28-32 and 34-55 as set forth in the Official Action mailed August 7, 2006. A timely Notice of Appeal was filed on January 12, 2007, which was received in the U.S. Patent Office on January 16, 2007.

Real Party In Interest

As indicated above in the caption of the Brief, the Eastman Kodak Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Claims 5, 27 and 33 have been cancelled.

Claims 1-4, 6-26, 28-32 and 34-55 are pending in the application. These claims have been rejected and are being appealed.

Appendix I provides a clean, double-spaced copy of the claims on appeal.

Status Of Amendments

All of the amendments have been entered and the claims stand as indicated in Appendix I.

Summary Of Claimed Subject Matter

The invention according to claim 1 is directed to a system 10 (as illustrated by Figure 1) for ordering a custom official postal stamp. The system includes a central authorizing computer system 12 for communicating with at least one remote ordering system 14 and a display device 21 and a data entry means 22 for ordering a custom official postal stamp over a communication network 16. The central authorizing computer system 12 has a computer program for forwarding information to at least one remote ordering system 14 for display on the display device 21 and allowing customizing, authorization, and ordering of an official

postal stamp by user from the remote ordering system 14 over the communication network 16. The user provides an image 69 for incorporation as an integral part of the official postal stamp.

The invention according to claim 32 is directed to a method for ordering a custom official postal stamp 27 having a customized image 69 thereon, comprising the steps of:

- a) providing a central authorizing computer system 12 for communication with at least one remote ordering system 14 over a communication network 16; and
- b) providing said central authorizing computer system 12 with a computer program for providing information to the at least one remote ordering system 14 for allowing ordering of a custom official postal stamp by a user from the at least one remote ordering system 14 wherein the user provides an image 69 for incorporation as a part of said official postal stamp 27.

The invention according to claim 42 is directed to a computer software product for use in ordering custom official postal stamp wherein the software product comprises a readable storage medium having a computer program for use in a centralized authorizing computer system 12 capable of communicating with at least one remote ordering system 14 having a display device 21 and data entry means 22 allowing customizing, and ordering a custom official postal stamp over a communication network, said computer software product when loaded into the authorizing computer system causing the authorized computer system to perform the steps of providing a central authorizing computer system where the computer program for forwarding information to the remote ordering system 14 for display on the display device 21 and allowing authorization and ordering of custom official postal stamps by the user from the at least one remote ordering system 14, wherein the user provides an image 69 for corporation as an integral part of the official postal stamp.

The invention according to claim 49 is directed to a system 10 for ordering customized official postal stamp which comprises a central authorizing computer system 12 for communicating with at least one remote ordering system 14, having a display device 21 and data entry means 22 for ordering a custom official postal stamp over a communication network 16. The central authorizing computer

system 16 having a computer program for forwarding information to at least one remote ordering system 14 by user for display on the display device and allowing custom modification and authorization of an image for incorporation as an integral part of a customized official postal stamp and for ordering a customized official postal stamp.

The invention as set forth in independent claim 50 is directed to a system 10 for customizing an official postal stamp, which comprises a central authorizing computer system 12 for communicating with at least one remote ordering system 14, having a display device 21 and data entry means 22 for ordering a custom official postal stamp over a communication network 16. The central authorizing computer system 16 having a computer program for forwarding information to at least one remote ordering system 14 by user for display on the display device and allowing custom modification and authorization of an image for incorporation as an integral part of a customized official postal stamp and for ordering a customized official postal stamp. The system further includes means for manipulation of the image for incorporating as an integral part of the customized official postal stamp and for ordering a customized official postal stamp as illustrated by Fig. 14 and described at page 12 line 24 to page 15 line 8.

The invention according to claim 52 is directed to a system for customizing an official postal stamp, which comprises a central authorizing computer system 14 for communicating with at least one remote ordering system 14, having a display device 21 and data entry means 22 for ordering a custom official postal stamp over a communication network 16. The central authorizing computer system 16 having a computer program for forwarding information to at least one remote ordering system 14 by user for display on the display device and allowing custom modification and authorization of an image for incorporation as an integral part of a customized official postal stamp and for ordering a customized official postal stamp. The system further comprise includes means for producing an order receipt of the order of the customized postal stamp with an identification code of 144 (See Figure 19 page 15 lines 9 to 23).

Claim 54 is directed to a system for customizing an official postal stamp which comprises a central authorizing computer system 14 for communicating with at least one remote ordering system 14, having a display device 21 and data entry means 22 for ordering a custom official postal stamp over a communication network 16. The central authorizing computer system 16 having a computer program for forwarding information to at least one remote ordering system 14 by

Arguments

ISSUE No. 1. USPS in view of Stephens and further in view of Brackney and Brasington et al, do not teach or suggest the invention as set forth in claims 1-4, 6-12, 15-26 and 28-32, 34-51, 54 and 55.

The present invention provides a method, system and computer software product for customizing an official postal product that solves many of the problems of prior art. In particular, the present invention provides a high quality image on official postal products having the required quality characteristics and contents standards. That is, meeting the requirements of what can and cannot be put on a postal product and also allowing easy and convenient customizing of postal products that can be readily obtained remotely by a customer, that is the customer can over a communication network from a first ordering terminal to central authorizing computer customize an official postal product to incorporate customer supplied image or pre-approved image that has been provided by the U.S. Postal Service.

USPS fails to teach or suggest at least a central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing customizing of an official postal stamp by a user from said at least one remote ordering system as recited in claim 1. Rather, USPS merely discloses that stamps and stamp collectibles can be bought online. *See* pages 4-5 of 15. USPS does not disclose, explicitly or inherently, a central authorizing computer system having a computer program for allowing customizing of an official postal stamp by a user from said at least one remote ordering system. Nor does USPS teach or suggest allowing authorization of official postal stamp incorporating a user provided image. Also, there is no teaching in Stephens that the online site is capable of receiving information to allow customizing. Furthermore, USPS does not disclose a central authorizing computer system, as disclosed by Applicant, for forwarding information to said at least one remote ordering system for allowing customizing, authorization and ordering of official postal stamps incorporating a user provided image. *See* page 15 of Applicants' Specification. The USPS

reference does not teach any of the following limitations set forth in independent claims 1, 32, 42, 49, 50, 52 53 and 55 upon which the remaining claims depend at least ultimately:

1. forwarding information from a central authorizing computer to a remote ordering system for display on a display device over a communication network for allowing customizing of an official postal stamp;
2. the information allowing customizing of an official postal stamp;
3. the information allowing authorization of the official postal stamp;
4. the information allowing ordering of customized official postal stamp; and
5. wherein the user provides an image for incorporation as integral part of the official postal stamp.

In order to render a claim anticipated by the prior art, each and every element of the claim must be disclosed in a single reference. In construing claims, the court in *Phillips* has recently emphasized that "claims must be read in view of the specification." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005). In fact, the Federal Circuit explained that the specification is "'usually . . .dispositive. . . [and] the single best guide to the meaning of a disputed term.'" *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582). For these reasons, the Federal Circuit confirmed that it is "entirely appropriate for a court, when conducting claim construction, to rely heavily on the written description for guidance as to the meaning of the claims." *Phillips*, 415 F.3d at 1317.

Hence, allowing customizing of an official postal stamp by a user from at least one remote ordering system is not even inherently present in USPS. Nor is there any suggestion in USPS to provide the five identified limitations required by claim 1. Applicants respectfully submit that the USPS could not render independent claim obvious.

Stephens fails to remedy the deficiencies of USPS as Stephens fails to teach or suggest at least a central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing customizing of an official

postal stamp by a user from said at least one remote ordering system as recited in claim 1.

Stephens discloses that digital images of collectors, captured by a digital camera, are printed on pre-printed and perforated gummed stamps. *See* page 2 of 4. Stephens's system does not disclose, explicitly or inherently, a central authorizing computer system for forwarding information to at least one remote ordering system for allowing customizing of official postage stamps. A central authorizing computer system that capable of forwarding information to allow customizing, authorization and ordering of an official postage stamp by a user from at least one remote ordering system incorporating a user image, is not inherently present or suggested in Stephens. Nor is there any suggestion to combine Stephens with USPS. Even assuming the combination, the combination of Stephens and USPS would still lack the teaching of the five identified features set forth in claim 1 and as previously identified.

Brackney fails to remedy the deficiencies of USPS and Stephens as Brackney fails to teach or suggest at least a central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing customizing, authorization and ordering of an official postal stamp incorporating a user provided image from said at least one remote ordering system as recited in claim 1.

Brackney discloses submitting a proposed design for consideration as an official postal stamp wherein the submission of the design can be by e-mail. There is no providing of information from a central authorizing computer to a remote ordering system. In fact, there can be no ordering of a stamp in Brackney. A central authorizing computer system that capable of forwarding information to allow customizing of an official postage stamp by a user from at least one remote ordering system, is not inherent or suggest by Brackney. The incorporation of a user provided image into an official postal stamp without authorization could result in inappropriate images being used. The providing of authorization for the customized official postal stamp minimizes the possibility that such inappropriate image will be so incorporated. Further there is no teaching or suggestion as to

why Brackney should be combined with either the USPS or Stephens's reference. In fact, applicants respectfully submit that since only designs are being submitted for consideration for use on a stamp, that this teach away from ordering customized postal stamps incorporating user provided images.

The Microsoft Paint reference cited against claims 52-53 fails to remedy the deficiencies of USPS, Stephens and Brackney as Microsoft Paint fails to teach or suggest at least a central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for display on said display device and allowing customizing, authorization and order of an official postal stamp by a user from said at least one remote ordering system as recited in claim 1. A central authorizing computer system that capable of forwarding information to allow customizing, authorization and ordering of an official postage stamp incorporating a user provided image from at least one remote ordering system is not inherently present in Microsoft Paint. Nor is there any reason why this reference should be combined with any of the other cited references. However, even if combined it fails to add anything that would render these claims obvious.

Brasington fails to remedy the deficiencies of USPS, Stephens, Brackney and Microsoft Paint as Brasington fails to teach or suggest at least a central authorizing computer system having a computer program for forwarding information over a communication network to said at least one remote ordering system for display on said display device and allowing customizing of an official postal stamp by a user from said at least one remote ordering system as recited in claim 1.

Brasington discloses a vending machine for printing postage stamps incorporating an image captured by a camera on the vending machine or provided to the vending machine from a smart card. In Brasington, a microcontroller 31 in a vending machine 1 displays a menu to a user for selecting personal postage stamp options or payment methods. Col. 3, lines 43-48. A telephone line connected to the vending machine 1 allows communication to a credit card data center 47 for an alternate means of payment. Col. 3, lines 24-27, 50-62. Brasington discloses that the revenue taken in by a vending machine 1 is

deducted from a prepaid account (of an owner of the vending machine) at a data center 49 and sent in a single direction to a postal authority 91. Col. 6, lines 1-10; Fig. 4. Accordingly, neither the data center 49 nor the postal authority 91 forwards information to at least one remote ordering system for display on a display device and allowing customizing and authorization of an official postal stamp by a user from said at least one remote ordering system as claimed by Applicants. As previously discussed the incorporation a user provided image into an official postal stamp without authorization as provided by the present invention could result in inappropriate images being used. The providing of authorization for the customized official postal stamp minimizes the possibility that such inappropriate will be so provided. The Brasington reference fails to address this issue nor does it teach or suggest the authorization over a communication network as claimed by applicants. The capability of forwarding information over a communication network to allow customizing of an official postage stamp by a user from at least one remote ordering system is not taught or suggest by Brasington. In Brasington the microprocessor 31, local in the vending machine 1, controls memory 35 and display 15. Col. 4, lines 15-17.

Applicants respectfully contend that a *prima facie* case of obviousness has not been established, as described more fully below. To establish a *prima facie* case of obviousness, all of the elements must be disclosed.

For the reasons stated above, Applicants respectfully submit that the cited references do not teach or suggest all the claim limitations as discussed above.

ISSUE No. 2. Whether claims 13-14 are obvious under 35 U.S.C. 103(a) as being unpatentable over USPS in view of Stephens, and further in view of Brackney, Brasington et al.

Claims 13 and 14 depend at least ultimately upon independent claim 1 and are patentable for the same reasons previously discussed with respect to independent claim 1. Kara does not disclose anything that would render

independent claim 1 obvious. Kara is directed to metered stamps and does not disclose the providing of information over a communication network.

ISSUE No. 3. Whether claims 52-53 are obvious under 35 USPS in view of Stephens and further in view of Brackney, Microsoft Paint, Brasington et al ('406 and U.S. Patent 5, 978,772 (Mold).

Claims 52 has the same disguising features as discussed above and are patentable for the same reasons discussed. The additional references still fail to disclose the preparing of information over a communication network for ordering of customized official postal stamps as claimed.

It is respectfully submitted that applied prior art references to Mold is moot, inasmuch as the combination of USPS, Stephens, Brackney, Microsoft Paint, Brasington, and Mold still lack any teaching, disclosure, or suggestion concerning a central authorizing computer system having programming for forwarding information to allow customizing of an official postage stamp by a user from at least one remote ordering system as previously discussed.

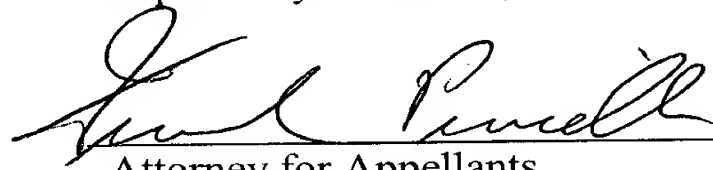
Summary

In summary, applicants respectfully submit that the present invention is patentably distinct over the prior art.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of claims 1-4, 6-26, 28-32 and 34-55.

Respectfully submitted,



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Enclosures

Appendix I - Claims on Appeal

1. A system for ordering a custom official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing customizing of an Official Postal Stamp by a user from said at least one remote ordering system wherein the user provides an image for incorporation as a part of said official postal stamp.
2. A system according to claim 1 wherein said at least one remote ordering system comprises a microprocessor having communication software.
3. A system according to claim 2 wherein said at least one remote ordering system comprises a personal computer.
4. A system according to claim 1 wherein said information includes instructions on how to modify an image for use on a postal stamp or for ordering said customized official postal stamp.

6. A system according to claim 1 wherein said information includes a list of acceptable criteria for image content of images that can be used on said custom official postal stamp.

7. A system according to claim 1 wherein said information includes a selection menu for allowing selection of a prestored image for use on said custom official postal stamp.

8. A system according to claim 1 wherein said computer program allows the uploading of a custom image from said remote ordering system.

9. A system according to claim 7 wherein said computer program further includes means for allowing customizing of said prestored image at said at least one remote ordering system.

10. A system according to claim 8 wherein said computer program further includes means for customizing of said custom image.

11. A system according to claim 9 wherein said customizing of said prestored image includes the capability of selecting and/or modifying the shape, size, color, or orientation of said prestored image.

12. A system according to claim 10 wherein said customizing of said custom image includes the capability of selecting and/or modifying the shape, size, color, or orientation of said custom image.

13. A system according to claim 9 wherein said customizing of said prestored image further includes the providing of text on said custom official postal stamp.

14. A system according to claim 9 wherein said customizing of said custom image further includes the providing of text on said custom official postal stamp.

15. A system according to claim 1 wherein said information further includes providing a selection of a denomination from a predefined schedule of postal rates for said custom official postal stamp.

16. A system according to claim 15 wherein said computer program includes automatic means for modifying said selection of a denomination in accordance with revised postal rates.

17. A system according to claim 1 wherein said information includes an electronic order form for completion at said remote ordering system and electronically returning to said central authorizing computer system.

18. A system according to claim 17 wherein said computer program provides notification to said at least one remote ordering system when an order on said order form has been properly or improperly filled in.

19. A system according to claim 18 wherein said order form includes means for providing payment for said custom official postal stamp.

20. A system according to claim 17 wherein said order form includes information regarding contact means for allowing contacting of the originator of the order.

21. A system according to claim 17 wherein said means includes one of the following: phone number, address, and e-mail address.

22. A system according to claim 1 wherein said computer program further includes means for creating a receipt of said order form.

23. A system according to claim 22 wherein said receipt includes one or more of the following: customer order identification, order information, facsimile of the image to be used on the custom official postal stamp.

24. (Once Amended) A system according to claim 1 wherein said computer program further comprises means for notifying said remote

ordering system that the image submitted by said user has been authorized for use on said custom official postal stamp.

25. A system according to claim 24 wherein said authorization system comprises a verification computer system for entering of an identification number provided by said receipt for verifying acceptance or rejection of the order.

26. A system according to claim 1 further comprising a printing device for printing said custom official postal stamp by said authorizing computer system.

28. A system according to claim 8 wherein a portion of the custom image is combined with a prestored image.

29. A system according to claim 6 further comprising means for manipulation of the image for use on said official postal stamp.

30. A system according to claim 29 wherein said means for manipulation of said image comprises at least one selection button for incrementally moving the image a predetermined incremental amount in at least one direction.

31. A system according to claim 30 wherein said incremental amount comprises an amount from about 1% to about 5% of the size of said image.

32. A method for ordering a custom official postal stamp having a customized image thereon, comprising the steps of:

- a) providing a central authorizing computer system for communication with at least one remote ordering system over a communication network; and
- b) providing said central authorizing computer system with a computer program for providing information to said at least one remote ordering system for allowing ordering of a custom official postal stamp by a user from said at least one remote ordering system wherein the user provides an image for incorporation as a part of said official postal stamp.

34. A method according to claim 33 wherein said various instructions and/or selections includes an electronic order form, further comprising the step of:

filling out said electronic order form and electronically returning said electronic order form to said central authorizing computer system.

35. A method according to claim 34 further comprising the step of:

providing an electronic receipt to said at least one remote ordering system by said central authorizing computer system.

36. A method according to claim 35 wherein said electronic receipt includes one or more of the following: customer order identification, order information, facsimile of the image to be used on the customized official postal stamp.

37. A method according to claim 32 further comprising the step of:

reviewing a custom image at said remote computer system prior to uploading said custom image to said central authorizing computer system.

38. A method according to claim 32 further providing the step of:

uploading a custom image from said remote ordering system to said central authorizing computer system.

39. A method according to claim 38 further comprising the step of:

obtaining approval to use said image on said custom official postal stamp from said central authorizing computer system.

40. A method according to claim 34 further comprising the step of:

printing said custom official postal stamp in accordance with said electronic order form after obtaining approval from said central authorizing computer system.

41. A method according to claim 39 further comprising the step of:

accessing said central authorizing computer to determine if approval to use said image has been obtained.

42. A computer software product for use in ordering custom official postal stamp, comprising a computer readable storage medium having a computer program for use in a central authorizing computer system capable of communication with at least one remote ordering system over a communication network, said computer software product which when loaded into authorizing computer system causes the authorizing computer system to perform the step of:

providing said central authorizing computer system with a computer program for forwarding information to said at least one remote ordering system for allowing ordering of custom official postal stamp by a user from said at least one remote ordering system wherein the user provides an image for incorporation as a part of said official postal stamp.

43. A computer software product according to claim 42 wherein the computer software product further causes the computer to perform the additional step of:

ordering of said custom official postal stamp at said at least one remote ordering system based on instructions and selections provided by central authorizing computer system.

44. A computer software product according to claim 43 wherein said computer software product further causes the computer to perform the additional step of:

providing an electronic receipt to said at least one remote ordering system by said central authorizing computer system.

45. A computer software product according to claim 42 wherein the computer software product further causes the computer to perform the additional step of:

allowing said remote computer system to customize images for use in custom official postal stamps.

46. A computer software product according to claim 44 wherein said electronic receipt includes one or more of the following: customer order identification, order information, facsimile of the image to be used on the customized official postal stamp.

47. A computer software product according to claim 42 wherein the computer software product further causes the computer to perform the additional step of:

reviewing a custom image at said remote computer system prior to uploading said custom image to said central authorizing computer system.

48. A computer software product according to claim 42 wherein the computer software product further causes the computer to perform the additional step of:

uploading a custom image from said remote ordering system to said central authorizing computer system in order to obtain approval to use said image on said customized official postal stamp.

49. A system for ordering customized official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system by a user for allowing custom modification of an image for use on customized official postal stamp.

50. A system for customizing an official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing customizing of an customized official postal stamp from said at least one remote ordering system, and means for manipulation of the image for use on said customized official postal stamp.

51. A system according to claim 50 wherein said means for manipulation of said image comprises at least one selection button for incrementally moving the image a predetermined incremental amount in at least one direction.

52. A system for customizing an official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing customizing of an official postal stamp by a user from said at least one remote ordering system, means for manipulation of the image by the user for incorporation on said official postal stamp and means for producing an order receipt for order of a postal stamp, said receipt having a identification bar code thereon.

53. A system according to claim 52 wherein said system further includes a reader for reading said identification bar code so as to provide the status of said order.

54. A system for customizing an official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing customizing of an official postal stamp by a user from said at least one remote ordering system, said central authorizing computer system having at least one image provided by said user that can be used in a custom official postal stamp, means for manipulation or use of at least a portion of the prestored image for use on said custom official postal stamp.

55. A system for customizing an official postal stamp, comprising:

a central authorizing computer system for communicating with at least one remote ordering system over a communication network, said central authorizing computer system having a computer program for forwarding information to said at least one remote ordering system for allowing a user to customize an official postal stamp from said at least one remote ordering system, said central authorizing computer system having at least one prestored image that

can be used in a custom official postal stamp, means for using at least a portion of the prestored image for use on said custom official postal stamp thereby eliminating the need to obtain content approval before producing of said official postal stamp.

Appendix II - Evidence

None

Appendix III – Related Proceedings

None